



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: Application of Janet L. Pan

5 For: USE OF DEEP-LEVEL TRANSITIONS IN SEMICONDUCTOR DEVICES

Filed: 9/4/03

S/N: 10/654,790

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PETITION TO CORRECT FILING DATE

Sir/Madam:

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Applicant submits this petition in response to the Notice of Missing Parts (copy attached as Ex. A), mailed 11/25/2003, in the above-identified application.

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In the Notice, it is asserted the application, as filed, omitted FIG. 16. Applicant respectfully disagrees, as FIG. 16 was included with applicant's 9/4/03 filing. The following facts are noted in support of applicant's position:

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1. Applicant's copy of the 9/4/03 filing papers (copy attached as Ex. B) contains FIG. 16 (see Ex. B, page 91 of the application).

2. Applicant's copy of the 9/4/03 filing papers also contains an Express Mail Certificate and a return postcard, both of which reference Figures 1-16 (see Ex. B, at 1).

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3. Applicant's copy of the Express Mail label (see Ex. C) indicates that the package was sent to the PTO using Express Mail label no. "EV 265498245

US," the same number that appears on applicant's
Express Mail Certificate.

4. Applicant's returned copy of the postcard (see
Ex. D) indicates that the Office received the
inventoried materials, including FIG. 16.

Moreover, though not essential to the disposition of
this petition, applicant also notes that the allegedly omitted
FIG. 16 appears, in identical form, as FIG. 16 of U.S.

Provisional Patent Applic. S/N 60/408,488, and that the present
application incorporates the '488 provisional by reference.

Also submitted herewith is the fee prescribed by
CFR 1.17(h) for the filing of this petition. Applicant
respectfully requests that the Office refund this fee upon
determination that FIG. 16 was, in fact, contained in
applicant's original 9/4/03 filing.

Respectfully submitted,

Patterson, Belknap, Webb & Tyler, LLP

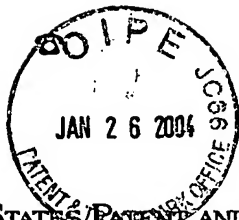
Dated: 11/26/03

By: 

David Garrod (Reg. No. 35,149)

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/654,790	09/04/2003	Janet L. Pan	Y0165-002

CONFIRMATION NO. 5502

FORMALITIES LETTER



OC000000011356400

Patterson, Belknap, Webb & Tyler LLP
ATTN: IP Docketing
1133 Avenue of the Americas
New York, NY 10036

Date Mailed: 11/25/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **16** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))), with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing

01/30/2004 JBALINAN 00000154 160633 10654790

01 FC:2201 215.00 DA

02 FC:2051 65.00 DA

DOCKETED 12/22
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date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY